



# Charter Amendment No. 1

This is the first of nine proposed [College Station City Charter](#) amendments on the Nov. 6 ballot.

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## What you will see on the ballot:

### PROPOSITION NO. 1

FOR/AGAINST

Shall Article X (Initiative, Referendum, Recall), Sections 94 (Recall; General), 95 (Recall Procedure), 96 (Recall Petitions), and 97 (Recall Election) of the College Station City Charter be amended to require grounds for removal of Council Members by recall; provide that such grounds be included in the recall affidavit and in the recall petitions; allow the City Secretary a reasonable time to deliver the recall petition blanks; clarify the City Secretary's role in examining the recall petitions; and amend the number of days allowed for an officer whose removal is sought to resign?

## What does it mean?

If you vote **AGAINST** this proposition, you are voting to keep this section of the charter as it is; if you vote **FOR** this proposition, you are voting to make these changes:

### ARTICLE X INITIATIVE, REFERENDUM AND RECALL

#### Recall; General *Section 94*

➤ ***The existing charter says:***

Any member of the City Council may be removed from office by recall.

➤ ***The amended charter would say:***

Any member of the City Council may be removed from office by recall **on grounds of incompetency, official misconduct or malfeasance in office.**

## **Recall Procedure**

### ***Section 95***

➤ ***The existing charter says:***

Any elector of the City of College Station may make and file with the City Secretary an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal. The City Secretary shall thereupon deliver to the elector making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Secretary shall enter in a record to be kept in his office the name of the elector to whom the petition blanks were issued and the number issued to said person.

➤ ***The amended charter would say:***

**Any elector of the City of College Station may make and file with the City Secretary an affidavit containing the name or names of the officer or officers whose removal is sought and setting out distinctly and specifically the ground or grounds upon which such removal is sought with such certainty as to give each officer sought to be removed notice of the matters and things with which the officer is charged. The City Secretary shall as soon as reasonable deliver to the elector making such affidavit copies of petition blanks demanding such removal.** The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Secretary shall enter in a record to be kept in his office the name of the elector to whom the petition blanks were issued and the number issued to said person.

## **Recall Petitions**

### ***Section 96***

➤ ***The existing charter says:***

The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) days after the filing of the affidavit required in Section 95 of this Article. The petition must be signed by qualified electors of the City equal in number to at least forty (40) percent of the total number of votes cast for the office in question at the last regular municipal election at which the office in question was filled and must conform to the provisions of Section 85 of this Article. No petition papers shall be accepted as part of the petition unless they bear the signature of the City Secretary as required in Section 95 of this Article.

➤ ***The amended charter would say:***

The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) days after the filing of the affidavit required in Section 95 of this Article. **Each separate petition paper must set out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the officer is charged.** The petition must be signed by qualified electors of the City equal in number to at least forty

(40) percent of the total number of votes cast for the office in question at the last regular municipal election at which the office in question was filled and must conform to the provisions of Section 85 of this Article. No petition papers shall be accepted as part of the petition unless they bear the signature of the City Secretary as required in Section 95 of this Article.

## Recall Election

### *Section 97*

#### ➤ *The existing charter says:*

The City Secretary shall at once examine the recall petition and if he finds it sufficient and in compliance with the provisions of this article of the charter, he shall within five (5) days submit it to the city council with his certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice the city council shall thereupon order and fix a date for holding a recall election. Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the city council, however, such election may be held at the same time as any municipal election held within such period.

#### ➤ *The amended charter would say:*

**The City Secretary shall within fifteen (15) business days from the date of its filing, examine the recall petition to determine that the petition; sets out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the officer is charged, is signed by a sufficient number of electors, and is in compliance with the procedural requirements of this article of the charter, and if finding the petition sufficient he shall submit it to the city council at the next regularly scheduled meeting with his certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within seven (7) calendar days after such notice the city council shall thereupon order and fix a date for holding a recall election.** Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the city council, however, such election may be held at the same time as any municipal election held within such period.

## Why is this charter amendment on the ballot?

After reviewing the city charter for more than a year, the 10-member Citizens Charter Review Advisory Commission in May recommended that eight charter amendments be placed on the ballot in a November special election. The commission's stated mission was to "review the city charter and make charter amendment recommendations, where appropriate, that will help protect the rights, powers and benefits of all College Station residents." Most of the recommendations were made to bring the charter in line with state law. The city council later added a ninth amendment about conflict of interest for council members.

[Citizens Charter Review Advisory Commission \(CRAC\)](#)

[Minutes of CRAC meetings](#)

[CRAC Final Report](#)